

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

GT Solar

v.

Civil No. 08-cv-00249-JL

Fabrizio Goi

**ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **November 17, 2009**.

On or before **November 30, 2009**, the plaintiff will disclose to the defendant, pursuant to the Protective Order, the property and proprietary information that it alleges was misappropriated, coveted, or disclosed to third parties without authorization in violation of the Trade Secrets Act, or the defendant's duties under applicable law.

Within 10 days of that disclosure, the parties shall file a new Discovery Plan that includes a **January 2011** trial date, a summary judgment deadline no later than **September 1, 2010**, a discovery closure date no later than **August 30, 2010**, and a DiBenedetto disclosure deadline of **February 15, 2010**.

Based on the discussions between the court and counsel at the conference, the following affirmative defenses are **stricken** without prejudice to being reinstated on request if warranted by the evidence: *estoppel, laches, waiver, statute of limitations and unclean hands.*

The defendant will amend **¶¶ 18 and 24** of its Answer to clearly and comprehensively indicate its position with respect to the corresponding allegation in the Complaint.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. However, if the Magistrate Judge is recused alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: November 17, 2009

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